

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR
9004-1(b)**

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In re

Bakers Depot LLC

Debtor.

Case No. 23-17425

Chapter 11

**MOTION PURSUANT TO BANKRUPTCY
RULE 1007 FOR AN ORDER GRANTING EXTENSION OF TIME
TO FILE SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS**

Bakers Depot LLC, as debtor and debtor-in-possession (the “Debtor”), by and through its proposed counsel Mandelbaum Barrett PC, files this Motion Pursuant to Bankruptcy Rule 1007 for an Order Granting Extension of Time to File Schedules and Statement of Financial Affairs (the “Motion”), and respectfully represents:

INTRODUCTION AND BACKGROUND

1. On August 25, 2023 (the “Petition Date”), the Debtor filed a voluntary petition for relief in this Court pursuant to Chapter 11 of Title 11, United States Code (the “Bankruptcy Code”). Debtor remains in possession of its assets and continues management of its business as a debtor-in-possession pursuant to §§ 1107 and 1108 of the Bankruptcy Code.

2. On September 1, 2023, the United States Trustee appointed Mark Hall as Subchapter V Trustee.

3. Bakers Depot is a wholesale food distributor specializing in bakery ingredients. It supplies all size bakeries, supermarkets, food manufacturers & more. It is based out of Teterboro New Jersey and service “mom and pop” bakeries to large wholesale accounts and in store bakeries throughout the Northeast.

4. No party has requested the appointment of a Chapter 11 trustee or examiner in this case, and no committees have been appointed or designated.

JURISDICTION

5. The Court has jurisdiction over this Motion under 28 U.S.C. §1334. This is a core proceeding within the meaning of 28 U.S.C. §157(b)(2).

6. Venue of this proceeding is proper pursuant to 28 U.S.C. §§1408 and 1409.

7. The statutory predicates for the relief requested herein are Section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c).

RELIEF REQUESTED

8. By this motion, the Debtor seeks entry of an order, pursuant to Rule 1007(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and §521 of the United States Code (the “Bankruptcy Code”), extending through September 29, 2023 (an extension of 21 days), the time within which it must file its Schedules required by Bankruptcy Rule 1007(b)(1)(A) (“Schedules”) and Statement of Financial Affairs required by Bankruptcy Rule 1007(b)(1)(D) (“SOFA”).

9. Prior to the Petition Date, the Debtor along with several non-debtors was sued by Bakemark USA LLC (“Bakemark”) in the District Court for the Southern District of New York,

Case No. 23-02360 (the “District Court Action”) for, among other things, damages and injunctive relief relating to alleged trade secrets proprietary to Bakemark. After the Petition Date Bakemark persisted with the District Court Action notwithstanding the automatic stay provisions of section 362(a) of the Bankruptcy Code, and in fact proceeded with an evidentiary hearing on August 28 and 29. The Debtor—a going concern with 5 employees—has been attending to this litigation, addressing operational upheaval caused by the bankruptcy, and simultaneously gathering information necessary to complete its Schedules and Statement of Financial Affairs. Thus, the Debtor requires additional time to ensure that these documents, when filed, represent the most accurate and complete data in order to facilitate the ongoing administration of this Chapter 11 case.

BASIS FOR RELIEF REQUESTED

9. Section 521 of the Bankruptcy Code and Bankruptcy Rule 1007(c) requires the Debtor to file its Schedules and the SOFA within fourteen (14) days following the Petition Date. The Schedules and SOFA are currently due on September 8, 2023.

10. Bankruptcy Rules 1007(a)(5) and (c) provide that any extension of time to file the Schedules and SOFA may be granted only upon motion for cause shown. Here, the Debtor does not employ an in-house CFO. The District Court Action Debtor’s principal, Brian Negron, has been consumed with an evidentiary hearing and other proceedings in the District Court Action. As a result, the Debtor will be unable to file the completed Schedules and SOFA by the initial deadline of September 8, 2023.

11. In order to provide the Debtor with sufficient time to obtain information required to complete the Schedules and SOFA, all in the appropriate formats prescribed by the Bankruptcy Code, the Bankruptcy Rules, and applicable local rules, the Debtor seeks an

extension of time to file its Schedules and SOFA for an additional 21 days through and including September 29, 2023.

12. Bankruptcy Rule 1007(c) provides for the extension, for cause, of the time for the filing of the Schedules and SOFA. In view of the circumstances of the filing of the Debtor's Chapter 11 case, cause exists for the requested extension and no harm will befall creditors for a minor delay.

13. The Debtor believes that the relief requested herein is consistent with and is an appropriate application of the Bankruptcy Code and the Bankruptcy Rules.

NOTICE

14. Notice of this Motion will be served by mail on (i) the Office of the United States Trustee for the District of New Jersey, (ii) all parties having requested notices in the case, (iii) and the Subchapter V Trustee. The Debtor submits that no other or further notice need be provided.

15. No previous motion or application for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Debtor respectfully requests that the Court grant the relief requested herein and such other and further relief as it deems just and proper.

Dated: September 7, 2023
Roseland, New Jersey

Mandelbaum Barrett PC

By: /s/ Vincent J. Roldan

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EXHIBIT A

Proposed Order